

AO 91 (Rev. 11/11) Criminal Complaint

Officer:

AUSA: Susan Fairchild
Justin D. Monday

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UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

Erick Gabriel PASILLAS-GARCIA

Case: 2:22-mj-30477

Assigned To : Unassigned

Assign. Date : 10/31/2022

CMP: USA v PASILLAS-GARCIA (MAW)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 20, 2022 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

Code Section

Offense Description

Title 8, United States Code, Section 1326(a)

Unlawful Re-Entry Following Removal from the United States

Title 18, United States Code, Section 1546(a)

Visa Fraud

This criminal complaint is based on these facts:


See Attached Affidavit

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: October 31, 2022

City and state: Detroit, MI


Complainant's signature

Justin Monday, Deportation Officer, ICE

Printed name and title


Judge's signature

Elizabeth A. Stafford, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Justin Monday, declare the following under penalty of perjury:

1. I am a Deportation Officer employed with Immigration and Customs Enforcement (ICE) of the United States Department of Homeland Security, having served with ICE since September of 2015. The facts set forth herein are based upon my personal knowledge as well as information provided by other law enforcement officers and record checks of law enforcement databases. I have also reviewed relevant immigration records and system automated data relating to Erick Gabriel PASILLAS-GARCIA. The purpose of this affidavit is to establish probable cause of the following violations: (1) Title 8, United States Code, Section 1326(a) (unlawful reentry), and (2) Title 18, United States Code, Section 1546(a)(visa fraud).
2. PASILLAS-GARCIA is thirty-year-old citizen and native of Mexico, who last entered the United States on an unknown date, at an unknown place, without inspection by the U.S. Department of Homeland Security.
3. On or about October 11, 2015, U.S. Border Patrol at or near Winterhaven, California, arrested PASILLAS-GARCIA and served him with a Notice and Order of Expedited Removal.
4. On or about October 11, 2015, U.S. Border Patrol removed PASILLAS-GARCIA from the United States to Mexico through San Luis, Arizona.
5. On or about October 29, 2015, U.S. Border Patrol at or near Douglas, Arizona arrested PASILLAS-GARCIA and served him with a Notice and Order of Expedited Removal.
6. On or about October 29, 2015, U.S. Border Patrol removed PASILLAS-GARCIA from the United States to Mexico through Calexico, California.
7. On or about October 20, 2022, the Livonia Police Department arrested PASILLAS-GARCIA for the offense of Breaking and Entering in Livonia, MI. This case is currently pending at the 16th District Court at Livonia, MI.
8. At the time of his arrest on October 20, 2022, PASILLAS-GARCIA knowingly possessed and presented for identification a counterfeit Form I-551, Permanent Resident Card (commonly referred to as a “green card”), which included the fictitious name of “Daniel Garcia”, a fictitious date of birth, a fictitious A-file

number and the picture of PASILLAS-GARCIA. Based upon my training and experience, I know that a Permanent Resident Card is a document prescribed by statute and regulation for entry into or as evidence of authorized stay or employment in the United States.


9. On or about October 21, 2022, the Detroit ICE Duty Officer placed an I-247 Immigration Detainer for PASILLAS-GARCIA at the Livonia Police Department in Livonia, MI. On this same date, ERO Detroit arrested PASILLAS-GARCIA at the Livonia Police Department and served him with Form I-871, Notice of Intent/Decision to Reinstate Prior Order. Fingerprint checks confirmed a positive match for Erick Gabriel PASILLAS-GARCIA, DOB: XX/XX/1992, AXXX XXX 321, a previously removed alien. Further record checks confirm that the Permanent Resident Card in the name of Daniel Garcia that PASILLAS-GARCIA possessed and presented for identification on October 20, 2022 is a counterfeit document.

10. The aforementioned arrest and subsequent detention was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any non-citizen entering or attempting to enter the United States, or any non-citizen present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of noncitizens.

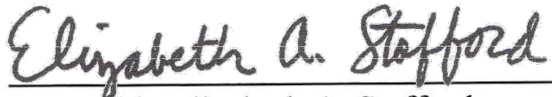
11. A review of immigration records (AXXX XXX 321) for PASILLAS-GARCIA, and queries in U.S. Department of Homeland Security databases reveal that no record exists of PASILLAS-GARCIA obtaining permission from the Attorney General or the Secretary of the Department of Homeland Security to re-apply for admission to the United States following his removal from the United States on or about October 29, 2015.

12. Based on the above information, there is probable cause to believe that, on or about October 20, 2022, in the Eastern District of Michigan, Southern Division, (1) PASILLAS-GARCIA, an alien, was found in the United States after having been denied admission, excluded, deported, and removed therefrom on or about October 29, 2015, and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326(a) (unlawful reentry), and (2) PASILLAS-GARCIA did possess and use a counterfeit Permanent Resident Card knowing such to be a counterfeit Permanent Resident

Card; in violation of Title 18, United States Code, Section 1546(a) (visa fraud).


Justin Monday
Deportation Officer

Sworn to before me and signed in my
presence and/or by reliable electronic means.


Honorable Elizabeth A. Stafford
United States Magistrate Judge

Dated: October 31, 2022